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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

COMMSCOPE, INC., .
Plaintiffs, .
vs. . Case No. 19-cv-15962
ROSENBERGER TECHNOLOGY . Newark, New Jersey
KUNSHAN CO., LTD., et al., . June 21, 2021
Defendants. .

TRANSCRIPT OF HEARING
BEFORE THE HONORABLE LEDA DUNN WETTRE
UNITED STATES MAGISTRATE JUDGE

This transcript has been reviewed and revised in accordance with L. Civ. R. 52.1.

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Proceedings recorded by electronic sound recording; transcript produced by transcription service.

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1 (Commencement of proceedings)

2

3 THE COURT: Okay. Good afternoon. This is

4 Magistrate Judge Wettre. We are on the record in CommScope

5 versus Rosenberger. It's 19-cv-15962.

6 And may I take appearances now starting with

7 plaintiff's counsel.

8 MR. SPONZILLI: Thank Your Honor. It's Edward

9 Sponzilli of the firm of Norris McLaughlin, local counsel to

10 the plaintiff CommScope.

11 THE COURT: Good afternoon, Mr. Sponzilli.

12 MR. SPONZILLI: Good afternoon, ma'am.

13 MR. KAHNKE: Your Honor, also on behalf of

14 plaintiff CommScope, from Faegre Drinker, this is Randy

15 Kahnke. With me are my colleagues Harmony Mappes, Tyler

16 Young, Lauren Linderman, and Rachel Cardwell.

17 THE COURT: Okay. Good afternoon to all of you.

18 MR. KAHNKE: Good afternoon.

19 And for the Rosenberger defendants?

20 MR. OLIVER: Good afternoon, Your Honor. This is

21 Matthew Oliver from Lowenstein Sandler. With me is my

22 colleague from Lowenstein, Michelle Goldman. And you've

23 heard Mr. Gindler is on as well, and he will introduce his

24 team.

25 THE COURT: Okay. Good afternoon, Mr. Oliver and

|Hearing
|19-cv-15962, June 21, 2021

6

1 Ms. Goldman.

2 MR. GINDLER: Hello, this is David Gindler from
3 Milbank, representing the Rosenberger defendants and
4 Northwest Instruments Inc. And with me are my colleagues
5 John Lu, Kim Goldberg, Bradley Hershon, and Haley Ling.

6 THE COURT: Okay. Good afternoon to all of you.

7 And for the individual defendants?

8 MS. FELTON: Good afternoon. It's Jane Felton with
9 Skoloff & Wolfe, on behalf of defendants Janet Javier and
10 Robert Cameron.

11 THE COURT: Okay. Good afternoon, Ms. Felton.

12 MS. FELTON: Good afternoon.

13 THE COURT: And for CellMax?

14 MR. PINCUS: Yes, I'm Mark Pincus from Pincus LLC.

15 THE COURT: Okay. Good afternoon.

16 All right. So I received a joint letter from the
17 parties identifying mainly three issues that they wanted to
18 raise with the Court, and I've thoroughly reviewed the letter
19 and have some thought on each item.

20 Let me just ask a miscellaneous question, though,
21 pertaining to CellMax, because I noted in one portion of
22 CommScope's submission that CommScope indicated that it had
23 not received any document production for CellMax yet, so I
24 just wanted to inquire as to the status of that.

25 Mr. Pincus?

1 focus on what they truly need in order to complete this
2 process.

3 THE COURT: Right. And I do understand very well
4 that phenomenon. A party in Rosenberger's position is not so
5 dead-set against an extension of time to complete depositions
6 that were already contemplated. But they're -- they're more
7 concerned about evolving discovery requests. And, you know,
8 frankly, on the second issue we'll address, there is a
9 little -- a little flavor of that.

10 So let me say by way of guidance that I would be
11 willing to give some extra time for discovery so as not to
12 impose hardship and pushing you through an unrealistic
13 schedule. But it's not for the purpose of great new ideas
14 and new requests for production and new interrogatories.

15 I would very seriously contemplate that in adopting
16 any schedule you propose, that I would put language in there
17 about no new written discovery requests without leave of
18 Court, you know, just as some kind of policing mechanism.

19 I also regularly -- I know parties don't like it, I
20 didn't like it as a lawyer -- with a case like this, my stock
21 phrase is "It may not be neat and clean." You may have to
22 take a deposition. Just, you know, come to the Court and
23 say, geez, this opened up an area that, you know, we really
24 need documents on, and we'd be prejudiced if we didn't get
25 it. And there may have to be some supplemental productions.

1 And then people may have to be redeposed. Hopefully, in this
2 Zoom deposition environment, that's less of a hardship.
3 Maybe it won't be.

4 But I do not want to extend discovery only to widen
5 the war. I feel like this case is plenty broad enough as it
6 is.

7 So that's just a general, you know, view of how I'm
8 looking at the scope. But, again, I've got to be fair. And
9 particularly, CommScope, if there is information that is not
10 just an inkling that there might be something more afoot, but
11 actually you have found something, and based upon that, you
12 want something more -- you know, a little bit broader and
13 very specific, and, you know, as we morph into the second
14 subject about the suspicious components, I have a lot of
15 questions about that, because I don't -- I don't have
16 anything explaining to me [REDACTED]

17 [REDACTED]
18 [REDACTED] I just -- that's never been
19 explained to me. Rosenberger's giving some more innocuous
20 explanation, and yet I'm being asked to order a tremendous
21 amount of very intrusive discovery between competitors. And
22 I feel very uncomfortable with that on that record. So
23 that's just a preview on the second issue that maybe there
24 will be a motion to compel by letter eventually, but it's got
25 to have more than what's in that letter right now.

|Hearing
|19-cv-15962, June 21, 2021
|Certification

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11 I further certify that I am in no way related to any of
12 the parties hereto nor am I in any way interested in the
13 outcome hereof.

14

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18 | S/ *Sara L. Kern*

2nd of July, 2021

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Date

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Message

From: Dziki, Jerry [Jerry.Dziki@commscope.com]
Sent: 6/15/2020 3:59:29 PM
To: Dziki, Jerry [Jerry.Dziki@commscope.com]; Jerry Dziki
Attachments: June Sales Review - June 9 - Final.pptx



Jerry

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Message

From: Dziki, Jerry [Jerry.Dziki@commscope.com]
Sent: 5/30/2020 7:38:25 PM
To: Dziki, Jerry [Jerry.Dziki@commscope.com]; Jerry Dzik [REDACTED]
Attachments: Sales Review 3 Regions x Subject,Product R1.pptx

Jerry

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